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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
BIG DOLLAR ENTERPRISES)
 -VS-) No. 04-0340
NORTHERN ILLINOIS GAS)
COMPANY d/b/a NICOR)
GAS COMPANY)
)
Complaint as to billing/charges)
in Chicago Ridge, Illinois)

Chicago, Illinois

May 12, 2004

Met, pursuant to notice, at 9:30 a.m.

BEFORE :

MR. IAN BRODSKY,
Administrative Law Judge

APPEARANCES :

MR. LESLIE TEPPER
1451 South Indiana
Chicago, Illinois 60605
appearing pro se;

1 APPEARANCES (Cont'd.):

2 MS. SARAH NAUMER
3 8000, Sears Tower
4 Chicago, Illinois 60606
5 appearing for Northern Illinois Gas
6 Company.
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18 SULLIVAN REPORTING COMPANY, by
19 Patricia Wesley, CSR, RPR
20 License No. 084-002170
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1 JUDGE BRODSKY: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket
3 04-0340. This is Big Dollar Enterprises vs.
4 Nicor -- Northern Illinois Gas Company d/b/a NICOR
5 Gas Company.

6 May I have the appearances for the
7 record, please.

8 MS. NAUMER: Appearing on behalf of Nicor Gas
9 Company, Sarah Naumer and John Rooney of the law
10 firm Sonnenschein, Nath & Rosenthal, 8000 Sears
11 Towers, Chicago, Illinois, 60606.

12 MR. TEPPER: And I'm Leslie Tepper. I'm the
13 owner of Big Dollar Enterprises.

14 JUDGE BRODSKY: And the address?

15 MR. TEPPER: The 16934 Westview, South Holland,
16 Illinois, 60473.

17 JUDGE BRODSKY: Okay. This is the first time
18 that this matter's come up. First of all, I need to
19 take administrative notice of the fact that
20 according to the Secretary of State it's called Big
21 Dollar Enterprises, Inc., the Corporate File No.
22 59595504, and it indicates for the latest report as
23 of the time of filing of this complaint, which was
24 reported for the Year 2003, that, Mr. Tepper, you

1 are listed as president and secretary of the
2 corporation. That being the case, are you an
3 attorney licensed to practice in Illinois?

4 MR. TEPPER: No.

5 JUDGE BRODSKY: Okay. What you will need to do
6 to proceed with this complaint is obtain an
7 attorney. We cannot and will not hear a complaint
8 of a corporation represented pro se.

9 MR. TEPPER: It will cost me the same for an
10 attorney, so I'm going to -- I have a lose lose
11 situation then. I was told I didn't need an
12 attorney.

13 JUDGE BRODSKY: Okay. Well, there's no provision
14 in our rules for pro se representation of a
15 corporation; moreover, it's not something that is
16 permitted under more broadly applicable rules and
17 statutes, so what we'll do is --

18 MR. TEPPER: I was even told by Nicor that, you
19 know, they would have an attorney there, but I
20 wouldn't need one. I mean, this is just a
21 continuation of the runaround that I have been
22 getting for over a year.

23 JUDGE BRODSKY: Well, actually, Mr. Tepper, this
24 is a legal proceeding. It's a complaint against

1 Nicor by Big Dollar Enterprises, which I presume is
2 Big Dollar Enterprises, Inc., since it appears to me
3 to be indistinguishable.

4 MR. TEPPER: It's a Subchapter S, which I own a
5 hundred percent of the stock, which, in effect, I am
6 Big Dollar Enterprises.

7 JUDGE BRODSKY: Well, Subchapter S is a type of
8 corporation.

9 MR. TEPPER: Correct.

10 JUDGE BRODSKY: We'll not allow and cannot hear
11 pro se complaints brought by corporations.

12 MR. TEPPER: Will the state furnish an attorney
13 for this?

14 JUDGE BRODSKY: No. No. It's something --

15 MR. TEPPER: Would I be able to claim attorneys'
16 fees if I prevail?

17 JUDGE BRODSKY: I'm going to leave --

18 MS. NAUMER: That's a legal matter that we need
19 to address, your Honor.

20 JUDGE BRODSKY: I'm going to leave the issue --

21 MR. TEPPER: I'm just gathering information. I'm
22 really not --

23 JUDGE BRODSKY: Well, I'm going to leave the
24 legal issues to your counsel. Okay. When we meet

1 next time, you'll have to have counsel appear. If
2 you don't, the case simply cannot go forward.

3 MR. TEPPER: That's fine. I have an attorney on
4 retainer. I wasn't going to bother with an
5 attorney, because I was told I didn't need an
6 attorney.

7 JUDGE BRODSKY: I don't know who told you that or
8 what it was that they believe the facts to be. I'm
9 telling you what the situation is for this case.

10 MR. TEPPER: I understand.

11 JUDGE BRODSKY: That being the case, there's not
12 a lot that we can do today.

13 MS. NAUMER: Shall we --

14 JUDGE BRODSKY: I'll set a date for further
15 proceedings in a few weeks. Is there any problem
16 with June 9th?

17 MS. NAUMER: Not on behalf of Nicor.

18 JUDGE BRODSKY: From the department, is that day
19 okay with you?

20 MR. TEPPER: Let me think for a second. No, that
21 should be fine.

22 JUDGE BRODSKY: Okay.

23 MR. TEPPER: Is there somebody I can get back
24 with in case my attorney's not available on that

1 date?

2 JUDGE BRODSKY: If that's the case, then have
3 your attorney -- well, either way, have your
4 attorney file an appearance in writing with the
5 Chief Clerk.

6 MR. TEPPER: So he'll know what to do?

7 JUDGE BRODSKY: He or she will know what to do.

8 For the record, if the days of the
9 hearing do not work in advance with sufficient time
10 for the filing, then make a motion to continue to a
11 different day, okay, and that would be in writing
12 with the Chief Clerk and served on Nicor.

13 MR. TEPPER: Okay.

14 JUDGE BRODSKY: All right. So we'll set this
15 down for 2 o'clock on Wednesday, June 9.

16 MR. TEPPER: Will I received notice of this or
17 should I just come --

18 JUDGE BRODSKY: Notice will be served by the
19 Chief Clerk on the service list so you will
20 additionally need to have your attorney enter an
21 appearance for him to be added to that service list.

22 MR. TEPPER: Okay.

23 JUDGE BRODSKY: You should get notice anyway
24 because you filed the complaint initially, so we'll

1 see what happens on June 9th. If there are motions
2 in advance, they should be filed in writing by
3 attorney for the moving party and then they would be
4 considered on June 9th. If not, we'll go forward on
5 that date.

6 If there are no attorneys present, as I
7 indicated before, for the complainant, then that
8 matter -- in that instance, then the matter cannot
9 go forward.

10 JUDGE BRODSKY: That's the status for today and
11 we'll continue to June 9th.

12 MS. NAUMER: Thank you, your Honor.

13 MR. TEPPER: Thank you.

14 (Whereupon, the above
15 matter was adjourned, to
16 be continued June 9,
17 2004 at 2 o'clock p.m.)

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